

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 4, 6-8, 11, and 13-15 are pending in this case. No new matter is added.

The outstanding Official Action rejected Claims 1, 4, 7, 8, 11, and 14 under 35 U.S.C. §103(a) as unpatentable over Watanabe (U.S. Patent No. 6,315,489) in view of Matsuoka (Japanese Patent Application No. 11-293890) and further in view of Helfrecht (German Patent No. 3304806). Claims 6 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Watanabe (U.S. Patent No. 6,315,489) in view of Matsuoka (Japanese Patent Application No. 11-293890).

STATEMENT OF COMMON OWNERSHIP

As Watanabe is 35 U.S.C. §102(e) art, the obviousness rejection is deficient under 35 U.S.C. §103(c) as explained below.

Applicant submits that the present application and the Watanabe reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to Nichiha Co., Ltd. Accordingly, application of the Watanabe reference in this obviousness rejection is improper.¹

As all the rejections of record rely on Watanabe, Applicant respectfully submits these rejections are traversed as Watanabe may not be applied as a basis for supporting a *prima facie* case of obviousness as outlined by 35 U.S.C. §103(c).

Since Applicant has not amended the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication **cannot properly be considered a Final Office Action.**

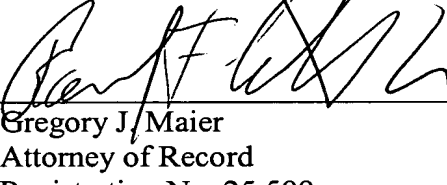
¹ Applicant notes that the filing date of the present application is after November 29, 1999, therefore bringing the present application under the current guidelines for 35 U.S.C. §103(c) for excluding 102(e) art.

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Accordingly, the outstanding rejection is traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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